

A
S P E E C H

DELIVERED
IN THE CASTLE-
CHAMBER AT DUBLIN,
the XXII. of November,
Anno 1622.

AT THE CENSVRING
of certaine Officers, who re-
fused to take the Oath of
SUPREMACIE.

BY
JAMES Bishop of Meath.
James Bishop

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SPEECH

DELIVERED

IN THE CASTLE

CHAMBER AT DUBLIN

ON THE 17th of November

1791.

BY THE CHAIRMAN

OF THE COMMITTEE OF THE

PROTESTANT CHURCH OF DUBLIN

IN ANSWER TO A RESOLUTION

BY

THE CHAIRMAN

Printed by W. M. the Printer of the

Parliament at Dublin 1791.



A Speech delivered
in the CASTLE-CHAMBER
concerning the Oath of
SUPREMACIE.



W^Hat the danger of the *Law* is,
for refusing this *Oath*, hath
beene sufficiently opened by
my Lords the *Judges*; and the
qualitie and *quantitie* of that
offence hath been aggravated
to the full by those that have spoken after
them. The part which is most proper for
me to deale in, is the information of the *Con-*
science, touching the truth and equitie of the
matters contained in the *Oath*: which I also
have made choice the rather to insist upon,
because both the forme of the *Oath* it selfe re-
quireth herein a full resolution of the consci-

ence (as appeareth by those words in the very beginning thereof; *I doe utterly testifie and declare in my conscience, &c.*) and the persons that stand here to be censured for refusing the same, have alledged nothing in their owne defence but only the simple plea of *Ignorance*.

That this point therefore may bee cleared, and all needlesse scruples removed out of mens minds: two maine branches there bee of this *Oath*, which require speciall consideration. The one *positive*: acknowledging the *Supremacy* of the government of these Realmes, in all causes whatsoever, to rest in the Kings Highnesse onely. The other *negative*: renouncing all iurisdiccions and authorities of any forreine Prince or Prelate within his Maiesties dominions.

For the better understanding of the former, we are in the first place to call unto our remembrance that exhortation of *St. Peter*.

¶ *Submit your selves unto every ordinance of man for the Lords sake: whether it bee unto the King, as having the prebeminence; or unto Governours, as unto them that are sent by him, for the punishment of evill doers, and for the praise of them that doe well. By this we are taught to respect the King, not as the only governour of his dominions*

nions simply (for wee see there bee other Governours placed under him) but ~~in himselfe~~ as him that *excelleth*, and hath the preeminence over the rest, that is to say, (according to the tenure of the *Oath*) as him that is *the onely supreme Governour* of his Realmes. Vpon which ground we may safely build this conclusion; that whatsoever power is incident unto the King by vertue of his place, must be acknowledged to be in him *supreme*: there being nothing so contrary to the nature of *Soveraignty*, as to have another superiour power to over-rule it.

Qui Rex est, Regem (Maxime) non habeat.

In the *second* place wee are to consider, that God for the better settling of piety and honesty among men, and the repressing of prophanenesse and other vices, hath established two distinct powerts upon earth: the one of the *Keyes*, committed to the Church; the other of the *Sword*, committed to the Civill Magistrate. That of the *Keyes* is ordained to worke upon the inner man; having immediate relation to the *bremitting* or *retaining* of sins. That of the *Sword* is appointed to work upon the outward man; yeelding protection to the obedient, and inflicting externall pu-

b John 20.23.

ishment upon the rebellious and disobedient. By the former, the spirituall officers of the Church of Christ are inabled to ^cgoverne well, to ^dspeak and exhort and rebuke with all authoritie, to ^eloose such as are penitent, to commit others unto the Lords prison, untill their amendment, or to binde them over unto the iudgment of the great day, if they shal persist in their wilfulnesse and obstinacie. By the other, Princes have an imperious power assigned by God unto them, for the defence of such as doe well, and executing ^frevenge and wrath upon such as doe evill; whether ^gby death, or banishment, or confiscation of goods, or imprisonment, according to the qualitie of the offence.

When St. Peter, that had the *Keyes* committed unto him, made bold to draw the ^hSword; he was commanded to ^hput it up, as a weapon that he had no authoritie to meddle withall. And on the other side, when *Vzziah* the King would venture upon the execution of the Priests office, it was said unto him; ⁱIt pertaineth not unto thee, *Vzziah*, to burn incense unto the Lord, but to the Priests the sons of *Aaron*, that are consecrated to burne incense. Let this therefore be our second conclusion :
that

that the power of the *Sword* and of the *Keyes* are two distinct ordinances of God; and that the Prince hath no more authoritie to enter upon the execution of any part of the Priests function, than the Priest hath to intrude upon any part of the office of the Prince.

In the *third* place we are to observe, that the power of the *civill sword*, (the *supreme* managing wherof belongeth to the King alone) is not to bee restrained unto *temporall* causes only; but is by Gods ordinance to be extended likewise unto *all Spirituall or Ecclesiasticall things and causes*. that as the *spirituall* Rulers of the Church doe exercise their kinde of government, in bringing men unto obedience, not of the duties of the *first* Table alone (which concerneth piety and the religious service which man is bound to performe unto his Creator) but also of the *second* (which respecteth morall honesty, and the offices that man doth owe unto man:) so the *civill* Magistrate is to use his authority also in redressing the abuses committed against the *first* Table, as well as against the *second*, that is to say, as well in punishing of an *heretick*, or an *idolater*, or a *blasphemer*, as of a *thiefe*, or a *murderer*, or a *treasoner*; and in providing by
all

k 1 Tim. 2. 2.

all good meanes, that such as live under his government ^k may leade a quiet and peaceable life in all piety and honesty.

And howsoever by this meanes we make both Prince and Priest to bee in their severall places *Custodes utriusque tabulae*, Keepers of both Gods tables: yet do we not hereby any way confound both of their offices together.

* As on the other side, that a spirituall or ecclesiasticall government is exercised in causes civill or temporall. For is not Excommunication a maine part of Ecclesiasticall government, and Forth *lawes* a speciall branch of causes Temporall? yet we see in *Sententia lata super chartas*, anno 12. R.H. 3. that the Bishops of England pronounce a sentence of Excommunication against the infringers of the liberties contained in *Charta de Foresta*.

for though the matter wherein their government is exercised may be the same; yet is the forme and manner of governing therein alwaies different. the one reaching to the outward man onely, the other to the inward: the one binding or loosing the soule, the other laying hold on the body and the things belonging thereunto: the one having speciall reference to the iudgement of the world to come, the other respecting the present retaining or loosing of some of the comforts of this life.

That there is such a *civill government* as this in causes spirituall or Ecclesiasticall, no man of iudgement can deny. For must not Heresie (for example) bee acknowledged to be a cause meerly spirituall or Ecclesiasticall? and yet by what power is an Hereticke put to death? The officers of the Church have no

autho-

authority to take away the life of any man : it must be done therefore *per brachium seculare* ; and consequently it must bee yielded without contradiction ; that the temporall Magistrate doth exercise therein a part of his civill government, in punishing a crime that is of it owne nature *spirituall or Ecclesiasticall*.

But here it will be said. The words of the Oath being generall ; that the King is the only *supreme governour of this Realme and of all other his highnesse dominions and countries* : how may it appeare that the power of the civill sword only is meant by that government, and that the power of the *Keyes* is not comprehended therein ? I answer : first, that where a civill Magistrate is affirmed to bee the *governour of his owne dominions and countryes* ; by common intendment this must needs be understood of a civill government, and may in no reason be extended to that which is meerely of another kinde. Secondly I say, that where an ambiguity is conceived to bee in any part of an Oath ; it ought to bee taken according to the understanding of him for whose satisfaction the Oath was ministred. Now in this case it hath been sufficiently declared by publick authority, that no other thing is meant by the

govern-

governement here mentioned; but that of the civill sword onely.

For in the booke of *Articles* agreed upon by the Archbishops & Bishops & the whole Clergie in the Convocation holden at London anno 1562. thus we read. *Where we attribute to the Queenes Majesty the chiefe governement, (by which titles we understand the minds of some slanderous folkes to be offended:) we give not to our Princes the ministring either of Gods Word or of the Sacraments (the which thing the Injunctions also lately set forth by Elizabeth our Queene doth most plainly testifie:) but that onely prerogative which we see to have beene given alwaies to all godly Princes in holy Scriptures by God himselfe, that is, that they should rule all estates and degrees committed to their Charge by God, whether they be Ecclesiasticall or Temporall, and restraîne with the Civill sword the stubborne and evill doers.*

If it be here objected that the authority of the Convocation is not a sufficient ground for the exposition of that which was enacted in Parliament. I answer, that these *Articles* stand confirmed not onely by the Royall assent of the Prince, (for the establishing of whose Supremacy the Oath was framed) but also by a speciall

ciall Act of Parliament; which is to be found among the statutes in the thirteenth yeare of Queene Elizabeth, chap. 12. Seeing therefore the makers of the Law have full authority to expound the Law; and they have sufficiently manifested, that by the *supreme government* given to the Prince they understand that kind of government only which is exercised *with the Civill sword*: I conclude, that nothing can be more plaine than this; that without all scruple of conscience, the *Kings Majesty* may be acknowledged in this sense to bee the only *supreme governour of all his Highnesse dominions and countries, as well in all spirituall or Ecclesiasticall things or causes as temporall.* And so have I cleared the first maine branch of the Oath.

I come now unto the second; which is propounded negatively: that no *forrein Prince, Person, Prelate, State or Potentate, hath or ought to have any jurisdiction, power, superiority, prebeminence or authority, Ecclesiasticall or spirituall within this Realme.* The forreiner that challengeth this Ecclesiasticall or spirituall jurisdiction over us, is the *Bishop of Rome*: and the title whereby he claimeth this power over us, is the same whereby he claimeth it o-

1 Mark 16.15.

ver the whole world; because he is *S. Peters* successor, forsooth. And indeed, if *S. Peter* himselfe had beene now alive, I should freely confesse, that hee ought to have spirituall authoritie and superioritie within this kingdome. But so would I say also, if *S. Andrew*, *S. Bartholmew*, *S. Thomas*, or any of the other *Apostles* had beene alive. For I know that their commission was verie large; to ¹goe into all the world, and to preach the Gospel unto every creature. so that in what part of the world soever they lived, they could not bee said to be out of their charge; their *Apostleship* being a kind of an *Universall Bishoprick*. If therefore the Bishop of Rome can prove himselfe to bee one of this ranke; the Oath must be amended; and wee must acknowledge that hee hath Ecclesiasticall authoritie within this Realme.

True it is, that our Lawyers in their Yearbookes by the name of the *Apostle* do usually designe the *Pope*. But if they had examined his title to that *Apostleship*, as they would try an ordinary mans title to a piece of land: they might easily have found a number of flawes and maine defects therein. For first it would be enquired, whether the *Apostleship* was

was not ordained by our Saviour Christ as a speciall Commission; which being personall onely, was to determine with the death of the first *Apostles*. For howsoever at their first entry into the execution of this commission, we finde that ^m *Matthias* was admitted ^m *Matthias*, to the *Apostleship* in the roome of *Judas*: yet ^{26.} afterwards when *James* the brother of *John* was slaine by *Herod*, wee doe not reade that any other was substituted in his place. Nay we know that the *Apostles* generally left no successors in this kinde; neither did any of the *Bishops* (he of *Rome* only excepted) that sate in those famous Churches, wherein the *Apostles* exercised their ministry, challenge an *Apostleship* or an *Univerfall Bishoprick*, by vertue of that succession.

It would *secondly* therefore bee inquired, what sound evidence they can produce, to shew that one of the company was to hold the *Apostleship* as it were in *fee*, for him and his successors for ever; and that the other *eleven* should hold the same for terme of life onely. *Thirdly*, if this state of perpetuity was to be cast upon one: how came it to fall upon *S. Peter*, rather than upon *S. John*; who outlived all the rest of his fellowes, and so as

a *surviving feoffee* had the fairest right to retain the same in himself & his successors for ever? *Fourthly*, if that state were wholly settled upon S. Peter: seeing the Romanists themselves acknowledge that he was Bishop of *Antioch* before he was Bishop of *Rome*; we require them to shew, why so great an inheritance as this, should descend unto the younger brother (as it were by *Burrough-english*) rather than to the elder, (according to the ordinary manner of descents.) Especially seeing *Rome* hath little else to alledge for this preferment, but only that S. Peter was crucified in it: which was a very slender reason to move the Apostle so to respect it. Seeing therefore the grounds of this great claime of the Bishop of *Rome* appeare to be so vaine and frivolous: I may safely conclude, that he ought to have no *Ecclesiasticall* or *spirituall* authority within this *Realme*; which is the principall point contained in the second part of the *Oath*.

FINIS.

JAMES REX.

Right Reverend Father in God, and Right trusty and welbeloved Counsellor, we greet you well. You have not deceived our expectation, nor the gracious opinion we ever conceived both of your abilities in learning, and of your faithfullnesse to us and our service. Whereof as we have received sundry testimonies both from our precedent Deputies, as likewise from our Right trusty & welbeloved Cousin & Counsellor the Viscount Falkland our present Deputy of that Realm; so have we now of late in one particular had a further evidence of your duty and affection well expressed by your late carriage in our Castle-Cambray there, at the censure of those disobedient Magistrates, who refused to take the oath of Supremacy. Wherein your zeale to the maintenance of our just and lawfull power, defended with so much learning and reason, deserves our Princely and gracious thanks; which we doe by this our letter unto you, and so bid you farewell. Given under our Signet at our Court at White-hall the eleventh of January, 1622. In the 20. yeare of our Raigne of great Brittainne, France and Ireland.

To the right Reverend Father in God,
and our right trusty and welbeloved
Counsellor, the Bishop of Meath.